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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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IN THIS ISSUE:

EMERGENCY RULES

Department of Economic Development	
Division of Business and Community Services	1113

EXECUTIVE ORDERS	1114
-----------------------------------	------

PROPOSED RULES

Department of Higher Education	
Commissioner of Higher Education	1116

ORDERS OF RULEMAKING

Department of Economic Development	
Division of Business and Community Services	1118
Department of Social Services	
Missouri Medicaid Audit and Compliance	1119
Elected Officials	
Secretary of State	1127

IN ADDITIONS

Department of Transportation	
Missouri Highways and Transportation Commission	1129

CONTRACTOR DEBARMENT LIST	1131
--	------

DISSOLUTIONS	1132
-------------------------------	------

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
February 3, 2014 February 18, 2014	March 3, 2014 March 17, 2014	March 31, 2014 March 31, 2014	April 30, 2014 April 30, 2014
March 3, 2014 March 17, 2014	April 1, 2014 April 15, 2014	April 30, 2014 April 30, 2014	May 30, 2014 May 30, 2014
April 1, 2014 April 15, 2014	May 1, 2014 May 15, 2014	May 31, 2014 May 31, 2014	June 30, 2014 June 30, 2014
May 1, 2014 May 15, 2014	June 2, 2014 June 16, 2014	June 30, 2014 June 30, 2014	July 30, 2014 July 30, 2014
June 2, 2014 June 16, 2014	July 1, 2014 July 15, 2014	July 31, 2014 July 31, 2014	August 30, 2014 August 30, 2014
July 1, 2014 July 15, 2014	August 1, 2014 August 15, 2014	August 31, 2014 August 31, 2014	September 30, 2014 September 30, 2014
August 1, 2014 August 15, 2014	September 2, 2014 September 15, 2014	September 30, 2014 September 30, 2014	October 30, 2014 October 30, 2014
September 2, 2014 September 15, 2014	October 1, 2014 October 15, 2014	October 31, 2014 October 31, 2014	November 30, 2014 November 30, 2014
October 1, 2014 October 15, 2014	November 3, 2014 November 17, 2014	November 30, 2014 November 30, 2014	December 30, 2014 December 30, 2014

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2013), are available in the listed participating libraries, as selected by the Missouri State Library:

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 5—Historic Preservation Tax Credit
Program**

EMERGENCY AMENDMENT

4 CSR 85-5.020 Preliminary Application. The division is amending section (4).

PURPOSE: This amendment updates the application materials to reflect changes in the *Federal Historic Preservation Tax Credit Program*.

EMERGENCY STATEMENT: This emergency amendment allows for applicants to submit the new *Federal Historic Tax Credit* application form as is often required when submitting an application to the *Missouri Historic Preservation Tax Credit Program*. This emergency amendment is required, as there is a compelling governmental interest in maintaining the viability of *Missouri Historic Preservation Tax Credit Program*. The previous version of this rule references an out-of-date version of the *Missouri Historic Preservation Tax Credit Program, Preliminary Application and Guidelines (Preliminary Guidelines)*. The out-of-date *Preliminary Guidelines* require most applicants to the *State Historic Tax Credit Program* to also submit their *Federal Historic Tax Credit* application as well. The *Federal Historic Tax Credit Program*

predates the State Historic Tax Credit Program. The federal application is referenced by a form number that will not be in use by the National Park Service as of May 15, 2014; the Department of Economic Development became aware that this change would take place on approximately March 28, 2014. The Department of Economic Development did not have sufficient time to file this change as a proposed rule without also creating a gap in which most potential applicants to the State Historic Tax Credit Program would be unable to apply. Without this emergency amendment, most applicants will be unable to apply for the State Historic Tax Credit Program because they will be required to submit forms that will no longer exist. As an example of the impact of this program, in the third quarter of the 2014 State Fiscal Year, developers applied for project that will leverage over \$160,000,000 in funding using the State Historic Tax Credit Program. Even a temporary gap in the availability of this program would cause a significant disruption in the real estate market of Missouri. The Department of Economic Development finds a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Economic Development believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 5, 2014, becomes effective May 15, 2014, and expires February 24, 2015.

(4) Applicants for state historic preservation tax credits must follow the procedures and guidelines found in *Missouri Historic Preservation Tax Credit Program, Preliminary Application and Guidelines* and complete *Historic Preservation Tax Credit Program—Preliminary Approval Form 1*, both of which are incorporated by reference in this rule as published [February 28, 2009] **May 15, 2014**, by DED and available at DED, Business and Community Services, 301 West High Street, Suite 770, Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 253.545 through 253.559, RSMo 2000 and 2013, and section 620.010, [HB 788, Second Regular Session, Ninety-fourth General Assembly, 2008] RSMo 2000. Original rule filed July 8, 2008, effective Feb. 28, 2009. Emergency amendment filed May 5, 2014, effective May 15, 2014, expires Feb. 24, 2015.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2013.

EXECUTIVE ORDER 14-05

WHEREAS, I have been advised that on-going and forecast severe storm systems have caused, or have the potential to cause, damage associated with tornadoes, high winds, heavy rain, hail, flooding and flash flooding impacting communities throughout the State of Missouri; and

WHEREAS, the severe weather that began on May 10, 2014, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the State of Missouri are needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

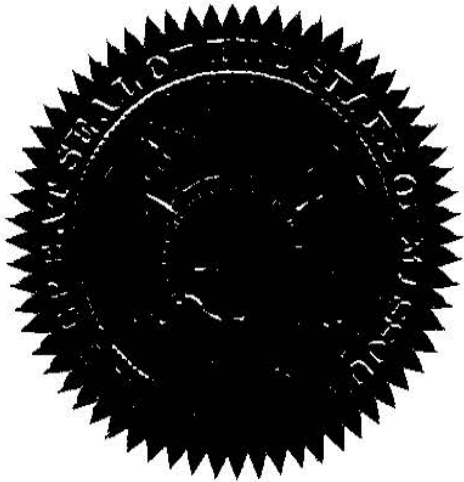
WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

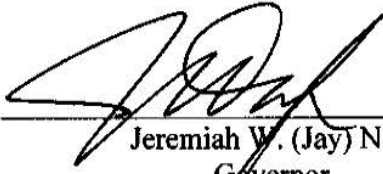
NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on June 11, 2014, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 11th day of May, 2014.




Jeremiah W. (Jay) Nixon
Governor


Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 12—Educational Credit for Military
Training or Service**

PROPOSED RULE

6 CSR 10-12.010 Educational Credit for Military Training or Service

PURPOSE: The purpose of this rule is to set forth the guidelines to be followed by all public institutions of higher education in the state, including vocational and technical schools, for awarding veterans educational credit for prior military training or service. This rule is in compliance with the requirements of section 173.1158, RSMo, which grants the Coordinating Board for Higher Education and Department of Higher Education the authority to generate this rule.

(1) Definitions.

(A) The term "Coordinating Board for Higher Education" shall refer to the Coordinating Board for Higher Education as created by section 173.005.2, RSMo.

(B) The term "Department of Higher Education" shall refer to the Missouri Department of Higher Education as created by section 173.005.1, RSMo.

(C) The term "public institution of higher education" shall refer to any Missouri public institution of higher education as defined in section 173.1102(3), RSMo.

(D) The term "educational credit" shall refer to those credits that are awarded to students for prior military service or training. These credits can be applied toward the requirements of a certificate, licensure, diploma, or degree.

(E) The term "prior military training or service" shall refer to any prior service or training that may be eligible for educational credit as determined by the higher education institution. These include, but are not limited to:

1. University coursework completed during military service;

2. Examinations, such as the College Level Examination Program (CLEP), and the CLEP portion of Defense Activity for Non-Traditional Education Support (DANTES) Language School; and

3. Military courses that have been developed and taught by military personnel.

(F) The term "American Council on Education (ACE)" refers to the coordinating body for the nation's institutions of higher education. They provide institutions with recommendations on evaluating and awarding educational credits for college or university-level learning earned through prior military service or training.

(2) Guidelines for Awarding Educational Credit for Military Service or Training.

(A) Prior military service or training takes many forms, therefore all public institutions of higher education in the state shall refer to the recommendations provided by the American Council on Education (ACE) *Guide to the Evaluation of Educational Experiences in the Armed Services* when evaluating and awarding educational credits for prior military service or training.

(B) While institutions should evaluate veterans' military transcripts to determine whether prior military service or training meets educational requirements, they should also provide opportunities whereby such students may be evaluated for educational credits. These include, but are not limited to, nationally recognized examinations, course-specific examinations designed by college or university faculty, and/or portfolio or other means of competence demonstration. Institutions should also document which credits may be earned through which evaluation method.

(C) Institutions should work to award students, who are also veterans, with credits that fulfill major degree requirements whenever possible, if such courses are equivalent to that student's prior military service or training. Otherwise, appropriate credit should be given to fulfill a general education requirement or other elective course.

(D) Any credits awarded to a student whose prior military service or training has been deemed equivalent for such credits shall be transferable among all public institutions of higher education in the state according to the state's transfer and articulation policy.

(E) Students, who are also veterans, should consult with registrars and/or academic advisors in an effort to determine whether their prior military service or training fulfills any certificate, course, or major requirements. These students should also provide any necessary supporting documentation to be used in the evaluation of prior experience by the college or university he or she attends.

(F) Institutions should promulgate information regarding the awarding of educational credits for prior military service or training, which includes information on course equivalencies, the number of

credits awarded, and opportunities to be evaluated for such credit. This information should be easily accessible and made available to all current and prospective students.

(3) Implementation Requirements and Reporting.

(A) In order to comply with section 173.1158, RSMo, all public institutions of higher education in the state of Missouri shall develop and implement policies and procedures that allow for the effective evaluation and awarding of credit to a student with prior military service or training that are also consistent with the aforementioned guidelines. These institutional policies and procedures shall be established and put into effect no later than the beginning of the 2014-2015 academic year, and continue every year thereafter.

(B) A system of reporting by all public institutions of higher education in the state that includes how institutions evaluate and award credit to students with prior military service or training will be developed over time.

AUTHORITY: section 173.1158, RSMo Supp. 2013. Original rule filed May 15, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Higher Education, Attn: Jennifer Plemons, 205 Jefferson Street, 11th Floor, Jefferson City, MO 65102 or by email to jennifer.plemons@dhe.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 8—Amateur Sporting Contribution Tax
Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3005.4, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-8.011 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 591-600). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 8—Amateur Sporting Contribution Tax
Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3005.4, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-8.021 Program Administration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 600). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 9—Amateur Sporting Tax Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3000.9, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-9.011 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 600-602). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 9—Amateur Sporting Tax Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3000.9, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-9.021 Application Process is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 602). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 85—Division of Business and Community
Services**
Chapter 9—Amateur Sporting Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3000.9, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-9.031 Project Proposal is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 603–613). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 85—Division of Business and Community
Services**
Chapter 9—Amateur Sporting Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3000.9, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-9.035 Support Contract is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 613–617). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 85—Division of Business and Community
Services**
Chapter 9—Amateur Sporting Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3000.9, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-9.041 Event Notification is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 617–621). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 85—Division of Business and Community
Services**
Chapter 9—Amateur Sporting Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 67.3000.9, RSMo Supp. 2013, the department adopts a rule as follows:

4 CSR 85-9.051 Cost Certification is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 621–630). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 65—Missouri Medicaid Audit and Compliance
Chapter 2—Medicaid

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under section 660.017, RSMo 2000, the director adopts a rule as follows:

13 CSR 65-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2014 (39 MoReg 235–238). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Medicaid Audit and Compliance Unit (MMAC), a division of the Department of Social Services (DSS), received eight (8) comments on the proposed rule, including one (1) comment from MMAC.

COMMENT #1: Harvey M. Tettlebaum, Attorney with Husch Blackwell and writing on behalf of the Missouri Health Care Association, Missouri Pharmacy Association, Missouri Assisted Living Association, Missouri Alliance for Home Care, Missouri State Medical Association, and the Missouri Dental Association, questioned whether MMAC is recognized by law or regulation to perform enrollment functions and whether MMAC therefore has authority to promulgate rules.

RESPONSE: MMAC appreciates this comment, but it believes it is beyond the scope of rulemaking. However, MMAC's legal authority to oversee enrollment functions of the Medicaid program is established through a validly-enacted executive reorganization plan which was implemented by Executive Order 12-2 and became effective on August 28, 2012. Under section 26.530, RSMo, a reorganization plan as set out through an executive order that is properly enacted has the force of law and is enforceable in court proceedings. *State ex rel. Dept. of Social Services v. K.L.D.*, 118 S.W.3d 283, 289 (Mo. App. W.D. 2003). Pursuant to state law, Executive Order 12-2 authorizes MMAC to engage in enrollment oversight. As a subdivision validly created pursuant to section 1.6.(2) of the Reorganization Act of 1974 by the Director of the Department of Social Services, MMAC has the authority to promulgate rules necessary to carry out the duties

assigned to it under section 660.017, RSMo. No changes have been made to this rule as a result of the comment.

COMMENT #2: Harvey M. Tettlebaum, Attorney with Husch Blackwell, noted that subsection (1)(G) appears to give MMAC overly broad authority to request whatever information it believes necessary pursuant to its own interpretations of “applicable requirements of state or federal laws and regulations” and without further limitation.

RESPONSE AND EXPLANATION OF CHANGE: In order to receive Federal Financial Participation (FFP) for the operation of Missouri’s Medicaid Program, MMAC must comply with the enrollment requirements set forth by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. Additionally, MMAC must operate according to any requirements that are set forth in state law. Both federal and state laws as they pertain to the Medicaid program may change from time to time. The purpose of this subsection is to reserve MMAC’s authority to request information that it may need in order to comply with both federal and state law. However, in order to further clarify subsection (1)(G), language will be added to limit the information that MMAC may require in an application to other information MMAC needs, under applicable federal or state laws and regulations as they pertain to participation in the MO HealthNet Program.

COMMENT #3: Jane Kruse, J.D., writing on behalf of the Missouri Association of County Developmental Disabilities Services (MACDDS), expressed concern that section (45) seeks to have all provider agreements with an effective date of March 25, 2011, or earlier, be deemed voluntarily terminated on March 25, 2016. Ms. Kruse commented that she believed these contracts would have to be terminated in accordance with the terms of the specific agreement.

RESPONSE AND EXPLANATION OF CHANGE: Under 42 CFR section 455.414, MMAC is required to revalidate the enrollment of all providers regardless of provider type at least every five (5) years. MMAC will comply with this requirement by voluntarily terminating contracts or provider agreements that have extended longer than five (5) years. However, in order to reduce any confusion on this matter, the last sentence of this section will be removed.

COMMENT #4: Jane Kruse, J.D., with MACDDS, noted that the definition of “managing employee” in section (21) of the rule is broad and lacks specificity.

RESPONSE: The definition in this rule of “managing employee” mirrors the federal definition found in 42 CFR section 455.101. MMAC determined that this definition is most appropriate because it must require certain disclosures of managing employees as they are defined by federal law. No changes have been made to this rule as a result of this comment.

COMMENT #5: Jane Kruse, J.D., with MACDDS, commented that the rule was not clear as it pertained to contractors who perform work for a waiver environmental accessibility adaptation project. The contractors are typically engaged through a county developmental disabilities service. Ms. Kruse asked whether those contractors would be required to enroll as providers.

RESPONSE: In this particular instance, the contractors would be considered to provide nonmedical support and therefore would not be required to enroll as a provider. However, the county of record who is billing Medicaid must enroll as an institutional billing provider. No changes have been made to this rule as a result of this comment.

COMMENT #6: Jane Kruse, J.D., with MACDDS, commented that respite care providers appear to fall under the “nonmedical support” exception of the “non-physician practitioner” definition. Ms. Kruse asked, if they do not fall under this exception, where on site visits as defined in section (40) would take place if there is no “practice location.”

RESPONSE AND EXPLANATION OF CHANGE: Federal law requires that all providers who are designated as “moderate” or “high” categorical risks must be subject to pre-enrollment and post-enrollment site visits. 42 CFR section 455.432. In the case that MMAC conducts an on site visit to a non-physician practitioner, the site visit may take place at a beneficiary’s home. Section (40) will be changed in accordance with this position.

COMMENT #7: Jane Kruse, J.D., with MACDDS commented that it is unclear what impact section (18) has on Consumer Directed Services (CDS). She states that “institutional providers” are defined to include providers billing under the CDS program, but institutional providers are also defined as non-corporeal providers. Ms. Kruse notes that some providers of CDS may be individuals and that this is a conflict in the regulation.

RESPONSE: In the rare instance that a CDS provider is not a non-corporeal provider, that individual will fall under the definition of “non-physician practitioner” and will be subject to the requirements and exceptions as set forth in this rule. No changes have been made to this rule as a result of this comment.

COMMENT #8: During a review of the proposed rule, MMAC noted that due to an accidental drafting oversight, language in proposed rule 13 CSR 65-2.030(3) was omitted from this rule.

RESPONSE AND EXPLANATION OF CHANGE: MMAC will add the language set forth in proposed rule 13 CSR 65-2.030(3) which provides that except to the extent inconsistent with this rule, the requirements of 13 CSR 70-3.020 and 13 CSR 70-3.030 remain in force.

13 CSR 65-2.010 Definitions

(1) Application shall include:

(G) Other information MMAC needs, under applicable federal or state laws and regulations as they pertain to the Medicaid program, in order to enroll a MO HealthNet Program provider.

(40) Site visit may include any or all of the following:

(A) Physical visit to, and inspection of, the premises of the provider or a beneficiary’s home if the provider has no central operational facility;

(45) Voluntary termination means that a provider submits written confirmation to MMAC of its decision to discontinue enrollment in the MO HealthNet Program.

(48) Except to the extent inconsistent with this rule, the requirements of 13 CSR 70-3.020 and 13 CSR 70-3.030 remain in force, including any provisions regarding denial of applications and termination, until those provisions are rescinded.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 65—Missouri Medicaid Audit and Compliance Chapter 2—Medicaid

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under section 660.017, RSMo 2000, the director adopts a rule as follows:

13 CSR 65-2.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2014 (39 MoReg 238–244). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Medicaid Audit and Compliance Unit (MMAC), a division of the Department of Social Services (DSS), received twenty-four (24) comments on the proposed rule, including one (1) comment from MMAC.

COMMENT #1: Harvey M. Tittlebaum, Attorney with Husch Blackwell and writing on behalf of the Missouri Health Care Association, Missouri Pharmacy Association, Missouri Assisted Living Association, Missouri Alliance for Home Care, Missouri State Medical Association, and the Missouri Dental Association, questioned whether MMAC is recognized by law or regulation and whether MMAC therefore has authority to promulgate rules.

RESPONSE: MMAC appreciates this comment, but it believes it is beyond the scope of rulemaking. However, MMAC's legal authority to oversee enrollment functions of the Medicaid program is established through a validly-enacted executive reorganization plan which was implemented by Executive Order 12-2 and became effective on August 28, 2012. Under section 26.530, RSMo, a reorganization plan as set out through an executive order that is properly enacted has the force of law and is enforceable in court proceedings. *State ex rel. Dept. of Social Services v. K.L.D.*, 118 S.W.3d 283, 289 (Mo. App. W.D. 2003). Pursuant to state law, Executive Order 12-2 authorizes MMAC to engage in enrollment oversight. As a subdivision validly created, pursuant to section 1.6.(2) of the Reorganization Act of 1974, by the Director of the Department of Social Services, MMAC has the authority to promulgate rules necessary to carry out the duties assigned to it. No changes have been made to this rule as a result of the comment.

COMMENT #2: Harvey M. Tittlebaum, Attorney with Husch Blackwell, commented that subsections (2)(B), (2)(C), and (2)(D) appear to give MMAC overly broad authority to request whatever information it believes necessary pursuant to its own interpretations of "applicable requirements of state or federal laws and regulations" and without further limitation.

RESPONSE: In order to receive Federal Financial Participation (FFP) for the operation of Missouri's Medicaid Program, MMAC must comply with the enrollment requirements set forth by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. Additionally, MMAC must operate according to any requirements that are set forth in state law. Both federal and state laws as they pertain to the Medicaid program may change from time to time. The purpose of language set forth in section (2) is to reserve MMAC's authority to request information that may be needed in order to comply with both federal and state law. However, MMAC has adjusted proposed rule 13 CSR 65-2.010(1)(G) which requires that applications shall include "other information MMAC needs, under applicable federal or state laws and regulations as they pertain to the MO HealthNet program, in order to enroll a MO HealthNet program provider." No changes have been made as a result of this comment.

COMMENT #3: Harvey M. Tittlebaum, Attorney with Husch Blackwell, suggested that MMAC clarify the language in subsection (2)(C) stating that providers should refer to MMAC provider bulletins and application filing instructions. Mr. Tittlebaum stated that the language should specify that it applies to applications being filed as of the promulgation of the rule so that it clearly applies prospectively.

RESPONSE AND EXPLANATION OF CHANGE: MMAC appreciates the suggestion and will add language in subsection (2)(C) to clarify that reference to MMAC provider bulletins, and application filing instructions should be referred to by all providers who apply on or after the promulgation of this rule.

COMMENT #4: Harvey M. Tittlebaum, Attorney with Husch Blackwell, suggested that subsection (3)(F) be modified to make clear that MMAC will accept all information from a provider prior

to MMAC making a final decision that required disclosures were not given by the provider. Mr. Tittlebaum also suggested that the word "timely" be defined to mean requested information being provided prior to any final decision being made in paragraph (3)(G)1.

RESPONSE: MMAC is committed to applying the ordinary and plain meaning of the term "timely" when enforcing this rule with providers. Mr. Tittlebaum's comment is noted and MMAC will provide appropriate timeframes for providers to disclose the required information.

COMMENT #5: Harvey M. Tittlebaum, Attorney with Husch Blackwell, noted that paragraph (3)(G)2. appears to allow MMAC, by treating what may be a temporary suspension to determine whether a particular practice constitutes fraudulent conduct as an "overpayment," to take the money without due process of law in violation of Article I, Section 10 of the Missouri Constitution and the Fifth and Fourteenth Amendments to the United States Constitution. Mr. Tittlebaum does not believe that its unconstitutionality is saved by the final sentence in that paragraph which states, "[i]f the person subsequently corrects the failure such that FFP is restored, the overpayment shall be rescinded." The reason for that belief is that it depends on action by a third party federal agency (CMS). Furthermore, it will force providers to utilize remedies available to them under section 208.156, RSMo, to appeal these determinations in order to preserve their rights, thus resulting in substantial, perhaps otherwise unnecessary, litigation as a result of the unfortunate language above quoted. Also, it will result in the loss of federal financial participation for the amount declared an "overpayment." Mr. Tittlebaum stated that he is unable to perceive any benefit to the state by declaring it an "overpayment."

RESPONSE AND EXPLANATION OF CHANGE: MMAC disagrees that this section allows MMAC to recoup money from providers without due process of law. If MMAC makes such a determination, providers will be entitled to hearing subject to section 208.156, RSMo. However, for the sake of clarity, paragraph (3)(G)2. will be removed.

COMMENT #6: Two stakeholders stated that "local health care fraud problems" in subsection (4)(E) is ambiguous and could lead to various interpretations. Both were also concerned with this subsection because it permits MMAC to require an off-cycle revalidation as a result of "random checks." Both argued that this provided MMAC with too much discretion and appeared to be an irrational reason for requiring revalidation.

RESPONSE AND EXPLANATION OF CHANGE: In light of the fact that "random checks" may cause providers to pay unwarranted application fees and to undergo the scrutiny of an unnecessary revalidation, MMAC will not request revalidation based on random checks. That clause will be removed from this section. Also, "local health care fraud problems" will be changed to "documented patterns of local health care fraud" so that more clarity is provided.

COMMENT #7: Harvey M. Tittlebaum, Attorney with Husch Blackwell, addressed subsection (5)(D) which provides that the amount of the application fee shall be as determined by the Centers for Medicare and Medicaid Services. Mr. Tittlebaum contended that MMAC does not have authority to delegate its responsibility to set fees by regulation to a third party federal agency. He further stated that MMAC would have to promulgate regulations to implement any change in application fees.

RESPONSE: MMAC appreciates the comment but disagrees that MMAC would have to promulgate regulations to implement any change in application fees. Subsection (5)(D) states that the application fee will be determined by the Centers for Medicare and Medicaid Services (CMS) every year pursuant to 42 CFR section 424.514(d). The federal regulation cited does not provide a specific application fee amount. Instead, it provides an unchanging formula for how the application fee will be determined on a year-to-year

basis. Even though the amount may change, the formula will remain the same. Providers may expect a change in the application fees pursuant to that formula and subsection (5)(D) advises providers of such possibility. No changes have been made as a result of this comment.

COMMENT #8: Harvey M. Tittlebaum, Attorney with Husch Blackwell, expressed concern that subsection (5)(E) would encourage MMAC to deny enrollment applications so that it may increase its revenue.

RESPONSE: MMAC is legally obligated to abide by federal laws that govern the administration of the Medicaid program. Under 42 CFR section 424.514(d)(2)(v)(B), an application is non-refundable unless the application is rejected prior to initiation of the screening process. Subsection (8)(B) of this rule mirrors that requirement by stating that once the screening process has begun, the application fee is non-refundable. In other words, the application is non-refundable, if MMAC engages in the screening process and incurs costs associated with that process. In addition, 42 CFR section 455.460(b) provides that if the fees collected by a state agency exceed the cost of the screening program, then the state must return that portion of the fees to the federal government. The requirement that the state must only keep the portion of application fees for the costs it actually incurs protects against those concerns that MMAC may be encouraged to deny applications simply for the sake of increasing its revenues. No changes have been made as a result of this comment.

COMMENT #9: Harvey M. Tittlebaum, Attorney with Husch Blackwell, asked if subsection (5)(F) would be interpreted to mean that organizations who own multiple establishments (e.g., a corporation owning several hospitals) could not pay application fees on behalf of the establishments.

RESPONSE: If a corporation owns multiple establishments that are required to pay an application fee, then that corporation may pay those application fees on behalf of the establishments. MMAC believes that subsection (5)(F) is consistent with this position. No changes have been made as a result of this comment.

COMMENT #10: Harvey M. Tittlebaum, Attorney with Husch Blackwell, asked whether the revenues from the application fees will go into a revolving fund previously established by the General Assembly to segregate it for the use of enrollment.

RESPONSE: MMAC appreciates this comment, but it believes it is beyond the scope of rulemaking. MMAC may consider this issue at a later date. No changes have been made as a result of this comment.

COMMENT #11: Harvey M. Tittlebaum, Attorney with Husch Blackwell, expressed concern that subsection (9)(J) gives MMAC too much discretion which he argues is contrary to section 536.021, RSMo.

RESPONSE: MMAC disagrees with Mr. Tittlebaum's assertion that subsection (9)(J) gives MMAC too much discretion. The purpose of conducting a screening and enrollment process is to ensure that qualified providers participate in the Medicaid program and to reduce the risk of fraud, waste, and abuse of the Medicaid program. Subsection (9)(J) does not permit MMAC to deny applications on any basis that is not already required pursuant to this rule. However, MMAC must have the ability to apply certain levels of scrutiny on a case-by-case basis in order to determine whether a provider is eligible to participate in the Medicaid program. No changes have been made as a result of this comment.

COMMENT #12: Harvey M. Tittlebaum, Attorney with Husch Blackwell, noted that the Private Cost statement was likely inaccurate because it does not take into account additional costs to providers from complying with this regulation.

RESPONSE EXPLANATION OF CHANGE: MMAC concurs that the Public and Private Cost statement underestimated the number of providers who may be subject to the application fee. An amended Public and Private Cost statement is included.

COMMENT #13: Stacy L. Dye with Claim Care, Inc. suggested that in subsection (1)(D) the following sentence be added to replace the first sentence of the proposed subsection: "All persons enrolled as billing or performing MO HealthNet providers shall abide by the established policies and procedures set forth in the MO HealthNet provider manual(s) and changes made and reflected in published MO HealthNet materials applicable to the provider's provider type(s) as published on actual date of service provided."

RESPONSE: Although the suggested changes to subsection (1)(D) provide further clarification to the requirement that providers abide by the MO HealthNet provider manuals, MMAC believes they are not necessary. These changes are implied in the original language and legal interpretations of this regulation as it is currently written, would be consistent with Ms. Dye's suggested changes. No changes have been made as a result of this comment.

COMMENT #14: Stacy L. Dye with Claim Care, Inc. indicated that the requirement to disclose date of birth and Social Security number as provided in paragraph (3)(A)2. may limit the amount of willing qualified billing and performing providers available to Medicaid participants. Ms. Dye suggested requiring the last four (4) digits of Social Security numbers.

RESPONSE: Federal law requires that when an applying provider is an individual, the provider must disclose his or her date of birth and Social Security number. 42 CFR section 455.104(b)(1)(ii). In order to comply with federal law, MMAC must ask for the complete Social Security number. No changes have been made as a result of this comment.

COMMENT #15: Stacy L. Dye with Claim Care, Inc. indicated that the requirement to disclose date of birth and Social Security number of "managing employees" as provided in paragraph (3)(A)7. may limit the amount of willing qualified billing and performing providers available to Medicaid participants. Ms. Dye suggested requiring the last four (4) digits of Social Security numbers.

RESPONSE: Under federal law, an applying provider must disclose the name, address, date of birth, and Social Security number of any managing employee of the provider. 42 CFR section 455.104(b)(3). In order to comply with federal law, MMAC must ask for the complete Social Security number. No changes have been made as a result of this comment.

COMMENT #16: Stacy L. Dye with Claim Care, Inc. suggested that the date by which providers must revalidate their enrollment be changed from March 24, 2016 to June 30, 2016. Ms. Dye stated that performing providers rendering services with a Missouri school district may change employment between the end of May and first of August.

RESPONSE AND EXPLANATION OF CHANGE: MMAC appreciates the comment and will remove the "Revalidation Schedule for MO HealthNet Providers" in its entirety. For further clarification, subsection (4)(A) will provide that all providers must revalidate by 2019 and that each provider will be notified of the required date to revalidate by a notice mailed by MMAC to the provider.

COMMENT #17: Stacy L. Dye with Claim Care, Inc. suggested that an automatic exemption of application fee plus automatic hardship should be granted to any Missouri school district.

RESPONSE: This rule provides criteria for when a provider may qualify for a hardship waiver exception. This criteria applies to all providers seeking to be excepted from the application fee requirement. MMAC suggests that school districts apply for hardship waivers if they believe they fall under the criteria provided in the rule. No changes made as a result of this comment.

COMMENT #18: Kim G. Ratcliffe with the Missouri School Boards' Association suggested that the "Revalidation Schedule for MO HealthNet Providers" should use an alternative to the provider

numbers for identifying which providers must revalidate by which date. Ms. Ratcliffe indicated that providers do not know their provider numbers that are assigned to them by the state.

RESPONSE AND EXPLANATION OF CHANGE: MMAC appreciates the comment and will remove the “Revalidation Schedule for MO HealthNet Providers” in its entirety. For further clarification, subsection (4)(A) will provide that all providers must revalidate by 2019 and that each provider will be notified of the required date to revalidate by a notice mailed by MMAC to the provider.

COMMENT #19: Jane Kruse, J.D., writing on behalf of the Missouri Association of County Developmental Disabilities Services (MACDDS), commented that the requirement in subsection (1)(A) appeared to require that Organized Health Care Delivery System contractors would be included as an entity that would be required to enroll as a provider. Ms. Kruse expressed concern that this would defeat the purpose of entering into such contracts since a benefit of doing so is to avoid enrolling as a provider. Ms. Kruse cites 42 CFR section 455.410 and argues that the state requirement is more broad than that of the federal regulation.

RESPONSE: Under 42 CFR section 455.410(b), MMAC must require professionals providing services under the state plan or under a waiver of the plan to be enrolled as “participating” providers. In addition, 42 CFR section 431.107(b) requires that MMAC enter into a provider agreement with “each provider or organization furnishing services under the [state] plan.” Based on the above federal requirements, it is MMAC’s position that if an organization or an individual is providing medical services under the state plan or under a waiver, those organizations are considered a provider and are subject to this rule. In this rule, MMAC considers the requirements for “performing providers” to be consistent with federal law. No changes have been made as a result of this comment.

COMMENT #20: Jane Kruse, J.D., with MACDDS, commented that subsection (5)(E) requiring that an institutional provider submit an application and pay an application fee for each provider type for which the institutional provider applying may be too costly and burdensome to providers who provide more than one type of service.

RESPONSE: Federal law requires that entities that enroll in more than one kind of institutional provider are required to submit the fee for each enrollment. *See* 42 U.S.C. section 1395cc(j)(2)(C); *see also* 76 Fed. Reg. 5862, 5914 (February 2, 2011). In order to comply with federal law, MMAC must require that entities seeking to become more than one provider type pay a separate application fee for each type. No changes have been made as a result of this comment.

COMMENT #21: Jane Kruse, J.D., with MACDDS, stated that County Boards established under sections 205.968–205.973, RSMo, should be considered limited risk as opposed to moderate risk because county boards are political subdivisions of the state, subject to the oversight and compliance requirements of other political subdivisions.

RESPONSE: Under 42 U.S.C. section 1396a(kk)(1), states are required to comply with the process for screening providers established by the Secretary of the U.S. Department of Health and Human Services under 42 U.S.C. section 1395cc(j)(2). Accordingly, 42 CFR section 455.450 establishes the same screening levels for Medicaid providers. For those provider-types that are not specifically recognized under Medicare, CMS requires states to assess the risk of fraud, waste, and abuse using similar criteria to those outlined in 76 Fed. Reg. 5862. MMAC has assessed the risk-level of providers not specifically listed in the Medicare provisions and have determined that those provider should automatically fall under the “moderate” risk level. No changes have been made as a result of this comment.

COMMENT #22: Jane Kruse, J.D., with MACDDS was concerned that the term “credible allegation of fraud” in subsection (9)(G) was not defined in the rule. Ms. Kruse also stated that providers should

not be moved to “moderate” or “high” level of risk if an overpayment was self-reported. She suggested that there should be a threshold amount for an existing overpayment, and self-reported amounts should be excluded.

RESPONSE: Subsection (9)(G) does not provide that self-reported overpayments will cause a provider to be moved to “moderate” or “high” level of risk. Consistent with 42 CFR section 455.450(e)(1), this rule provides that levels of risk will be moved in the event that a suspension is imposed on a provider as a result of a credible allegation of fraud or because the provider has an existing Medicaid overpayment. MMAC has interpreted this requirement to mean that if at the time of enrollment or revalidation the provider has an existing overpayment, regardless of whether the amount is self-disclosed or the amount, then that provider’s risk level is subject to be moved to a higher risk level. MMAC also defers to the federal definition of the term “credible allegation of fraud” which is found in 42 CFR section 455.2. No changes have been made as a result of this comment.

COMMENT #23: During a review of the proposed rule, MMAC noted that due to an accidental drafting oversight, language in proposed rule 13 CSR 65-2.030(3) was omitted from this rule.

RESPONSE AND EXPLANATION OF CHANGE: MMAC will add the language set forth in proposed rule 13 CSR 65-2.030(3) which provides that except to the extent inconsistent with this rule, the requirements of 13 CSR 70-3.020 and 13 CSR 70-3.030 remain in force.

COMMENT #24: The Joint Committee on Administrative Rules held a hearing on May 6, 2014, and reviewed the substance of this Proposed Final Order of Rulemaking. Issues were raised concerning the fact that the application fee found in 13 CSR 65-2.020(5)(D) was incorporated by reference and not included in the body of the regulation; and on the need to include a trigger for the additional provider review originally found in 13 CSR 65-2.020(9)(J). Based on the testimony given at the hearing and recommendations given by the committee, DSS-MMAC desires to change provisions relating to application fee and to the screening requirements.

RESPONSE AND EXPLANATION OF CHANGE: DSS-MMAC appreciates the suggested changes and will add the language set forth in 13 CSR 65-2.020(5)(D) and 13 CSR 65-2.020(9)(J).

13 CSR 65-2.020 Provider Enrollment and Application

(2) Application.

(C) Specific application instructions are modified as necessary for efficient and effective administration of the MO HealthNet Program as required by federal or state laws and regulations. Providers applying on or after the promulgation of this rule should refer to the appropriate MMAC provider bulletins and application filing instructions for specific application filing instructions and information, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, Missouri Medicaid Audit and Compliance Unit, 205 Jefferson Street, Second Floor, Jefferson City, MO 65109, at its website mmac.mo.gov, January 15, 2014. This rule does not incorporate any subsequent amendments or additions.

(3) All providers, fiscal agents, and managed care entities are required to disclose as follows:

(G) Consequences for Failure to Provide Required Disclosures.

1. Any person’s failure to provide, or timely provide, disclosures pursuant to this section may result in deactivation, denial, rejection, suspension, or termination. If the failure is inadvertent or merely technical, MMAC may choose not to impose consequences if, after notice, the person promptly corrects the failure.

(4) Provider Revalidation.

(A) All enrolled MO HealthNet Program providers as of the effective date of this rule who are not on a closed-end provider agreement

shall revalidate their enrollment as a MO HealthNet Program provider, on or before March 24, 2019, according to schedule as determined by MMAC, by submitting an MMAC-approved revalidation application, supplemental forms, information, and documentation requested by MMAC, along with any required application fee, hardship waiver request, or documentation showing that the provider has revalidated with Medicare or another state's Medicaid Program or CHIP within the previous twelve (12) months, if applicable.

(E) MMAC may request that the provider revalidate on an off-cycle revalidation period as a result of information obtained by MMAC indicating documented patterns of local health care fraud, national initiatives, complaints, or other reasons that cause MMAC to question the compliance of the provider with MO HealthNet Program.

(5) Application Fee.

(D) The application fee shall be five hundred forty-two dollars (\$542), unless subsequently changed by regulation of the department.

(9) Screening.

(J) MMAC may request and consider additional information or documentation related to the eligibility criteria, if at any time during the application process it appears that: the enrollment application or supporting documentation is inaccurate, incomplete, or misleading; or it appears the applying person may be ineligible to become a MO HealthNet provider.

(11) Except to the extent inconsistent with this rule, the requirements of 13 CSR 70-3.020 and 13 CSR 70-3.030 remain in force, including any provisions regarding denial of applications and termination, until those provisions are rescinded.

REVISED FISCAL NOTE

PUBLIC COST

Department Title: Department of Social Services

Division Title: Missouri Medicaid Audit and Compliance Unit (MMAC)

Chapter Title: General Rules

Rule Number and Name:	13 CSR 65-2.020 Provider Enrollment and Application
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MMAC	Site visits + Screening costs \$1,505,800 (total over a period of 5 years)

III. WORKSHEET

4 hours screening multiplied by \$50/hr multiplied by 7,529 Medicaid-only revalidating providers = \$1,505,800

IV. ASSUMPTIONS

Uses assumptions about the costs to Medicaid agencies estimated by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). See 76 Fed. Reg. 5862, 5949-5958 (February 2, 2011).

The number of revalidating Medicaid-only providers is an estimate and may be lower than estimated.

All providers will be revalidated between 2013 and 2016. Thereafter, they will be on a 5 year revalidation schedule.

**REVISED FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Social Services
Division Title: Missouri Medicaid Audit and Compliance Unit
Chapter Title: General Rules**

Rule Number and Title:	13 CSR 65-2.020 Provider Enrollment and Application
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
200	Medicaid-only newly enrolled providers	Application fees \$106,400
4,178	Medicaid-only revalidating providers	Revalidation fees \$ 2,222,696
TOTAL		\$2,329,096 (for all providers for the first two years)

III. WORKSHEET

100 Medicaid-only providers enrolled per year for two years multiplied by \$532 (current application fee) = \$53,200.

4,178 Medicaid-only providers paying an application fee on revalidation = \$2,222,696

IV. ASSUMPTIONS

Uses assumptions about the costs to each Medicaid-only provider of revalidation estimated by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). See 76 Fed. Reg. 5862, 5949-5958 (February 2, 2011).

Costs will change annually as the amount of the application fee changes.

The number of enrolling and revalidating Medicaid-only providers is an estimate and may be lower than estimated.

All providers will be revalidated between 2013 and 2016. Thereafter, they will be on a 5 year revalidation schedule.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 65—Missouri Medicaid Audit and Compliance
Chapter 2—Medicaid**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under section 660.017, RSMo 2000, the director adopts a rule as follows:

**13 CSR 65-2.030 Denial or Limitations of Applying Provider
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2014 (39 MoReg 245). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

15 CSR 30-50.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 249). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

15 CSR 30-50.040 Forms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 249). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

15 CSR 30-52.015 Applications for Registration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 250). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

15 CSR 30-52.030 NASAA Statements of Policy is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 250). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

**15 CSR 30-52.275 Small Company Offering Registrations
(formerly Missouri Issuer Registration) is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 251). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

15 CSR 30-54.010 General is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 251). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

15 CSR 30-54.070 Not-for-Profit Securities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 251–252). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2013, the commissioner amends a rule as follows:

**15 CSR 30-54.150 Suggested Form of Investment Letter
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2014 (39 MoReg 252). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Secretary of State, Securities Division received no comments.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, July 15, 2014.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** kathy.hatfield@modot.mo.gov
- **Mail:** PO Box 893, Jefferson City, MO 65102-0893
- **Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #166

Renewal Applicant's Name & Age: Dominic E. Hanway, 42

Relevant Physical Condition: Vision impaired.

Mr. Hanway's best-corrected visual acuity in his left eye is 20/20 Snellen and he is legally blind in his right eye. He lost his right eye in 1999 as the result of an injury.

Relevant Driving Experience: Mr. Hanway has been employed with a farm in Forest City, MO since 2009. He has approximately five (5) years commercial motor vehicle driving experience. He currently has a Class E license, and drives personal vehicle(s) daily.

Doctor's Opinion and Date: Following an examination in March, 2014, his optometrist certified, his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No accidents or violations on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: May 15, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, July 15, 2014.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* kathy.hatfield@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
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**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications

requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #203

Applicant's Name & Age: Ronald Holshouser, 54

Relevant Physical Condition: Vision impaired.

Mr. Holshouser's best-corrected visual acuity in his right eye is 20/20 Snellen and he is legally blind in his left eye. He lost sight in his left eye on 04/25/2012 after surgery.

Relevant Driving Experience: Mr. Holshouser has been employed as a weight scale tester since 1988. He has approximately thirty-four (34) years commercial motor vehicle driving experience. He currently has a Class B license, and drives personal vehicle(s) daily.

Doctor's Opinion and Date: Following an examination in April, 2014, his ophthalmologist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No accidents or violations on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: May 15, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State. In addition, this list includes contractor(s) that have agreed to entry of an injunction permanently prohibiting them and any persons and entities related to them from engaging in, or having any involvement in, any business in Missouri.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC Case No. 12AO-CR01752 (Jasper County Cir. Ct.)		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013 to 08/08/2014

Contractors Agreeing to Permanent Prohibition from Engaging In, or Having Any Involvement In, Any Business in Missouri

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Injunction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent
Troy Langley		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent

Dated this 17th day of March 2014.


John E. Lindsey, Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COLORADO WATERVIEW RETURN, LLC**

On April 23, 2014, Colorado Waterview Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
BSC SAN BERNARDINO RETURN III, LLC**

On April 23, 2014, BSC San Bernardino Return III, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION
OF
3001 LOCUST, LLC**

On May 5, 2014, 3001 Locust, LLC, a Missouri limited liability company, located at 5151 Washington Place, St. Louis, Missouri, 63108 filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

In order to file a claim with the corporation, you must furnish: 1) claimant's name, address, and phone number; 2) amount of the claim; 3) basis for the claim; 4) date the claim arose; and 5) documentation of the claim. The claim must be mailed to Mindy K. Mahn, at SmithAmundsen LLC, 120 S. Central, Suite 700, St. Louis, Missouri 63105. A claim against the company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SAN BERNARDINO DYNAMIC RETURN, LLC**

On April 23, 2014, San Bernardino Dynamic Return, LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
GRACE MEDICAL, LLC**

On April 22, 2014, Grace Medical, LLC, a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding Up with the Missouri Secretary of State, effective upon filing.

Any claims against the Company must be sent to Shannon J. Colle, 2128 Wood Hollow Court, Cape Girardeau, Missouri 63701. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

**NOTICE OF WINDING UP AND DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MLG RENTAL PROPERTIES, LLC.**

On April 11, 2014, MLG Rental Properties, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to Company, c/o Ted Greene, 6750 West 93rd Street, Suite 250, Overland Park, KS 66212 a written summary of any claims against Company, including the name, address and telephone number of the claimant; the amount of the claim; the date on which the claim arose; the basis for the claim; and documentation for the claim. All claims against Company will be barred unless a proceeding to enforce the claim is commenced with three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MARYLAND HERITAGE CAPITAL RETURN, LLC**

On April 30, 2014, Maryland Heritage Capital Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
NEVADA RAINBOW RETURN, LLC**

On April 30, 2014, Nevada Rainbow Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
FIESTA RIVERSIDE CALIFORNIA RETURN, LLC**

On April 30, 2014, Fiesta Riverside California Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CALIFORNIA NUEVO DRK RETURN, LLC**

On April 30, 2014, California Nuevo DRK Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COLORADO CASTLE OAKS RETURN, LLC**

On April 30, 2014, Colorado Castle Oaks, Return, LLC, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION OF AMERICAN EAGLE LOGISTICS, LLC

On May 12, 2014, American Eagle Logistics, LLC, a Missouri limited liability company, located at 306 Country Hills Drive, Springfield, Missouri, 65757 filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

In order to file a claim with the corporation, you must furnish: 1) claimant's name,

address, and phone number; 2) amount of the claim; 3) basis for the claim; 4) date the claim

arose; and 5) documentation of the claim. The claim must be mailed to Law Office of Ryan D. Reynolds, at 435 Nichols Road, Suite 200, Kansas City, MO 64112. A claim against the

company will be barred unless a proceeding to enforce the claim is commenced within three(3) years after the date of this notice.

**NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
OZARK FIRE PROTECTION, INC.**

On April 22, 2014, Ozark Fire Protection, Inc. filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective April 22, 2014.

You are hereby notified that if you believe you have a claim against Ozark Fire Protection, Inc., you must submit a summary in writing of the circumstances surrounding your claim to the corporation c/o Jim Ghan 19130 Dwyer Rd, Warsaw, Missouri 65355. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The date of the event on which the claim is based.
3. A brief description of the nature of the debt and amount of the claim.

All claims against Ozark Fire Protection, Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of this publication.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053
DEPARTMENT OF AGRICULTURE					
2 CSR 80-2.050	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 80-5.010	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 90-10	Weights and Measures				38 MoReg 1241
DEPARTMENT OF CONSERVATION					
3 CSR 10-3.010	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-4.111	Conservation Commission		39 MoReg 849		
3 CSR 10-4.130	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-5.430	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-6.510	Conservation Commission		38 MoReg 1742	39 MoReg 254	
3 CSR 10-6.545	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-6.550	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-7.410	Conservation Commission		39 MoReg 849		
3 CSR 10-7.431	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.433	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.434	Conservation Commission		N.A.	39 MoReg 1083	
3 CSR 10-7.437	Conservation Commission		N.A.	39 MoReg 1083	
3 CSR 10-7.440	Conservation Commission		N.A.	39 MoReg 1084	
3 CSR 10-7.455	Conservation Commission		38 MoReg 1745	39 MoReg 255	
3 CSR 10-9.105	Conservation Commission				39 MoReg 403
3 CSR 10-9.110	Conservation Commission		38 MoReg 1745	39 MoReg 256	
3 CSR 10-9.442	Conservation Commission		38 MoReg 1747	39 MoReg 256	
3 CSR 10-9.442	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.705	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.735	Conservation Commission		39 MoReg 849		
3 CSR 10-10.744	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.115	Conservation Commission		39 MoReg 850		
3 CSR 10-11.130	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.180	Conservation Commission		38 MoReg 1752	39 MoReg 257	
3 CSR 10-11.184	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.185	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.205	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-11.210	Conservation Commission		39 MoReg 850		
3 CSR 10-11.215	Conservation Commission		39 MoReg 851		
3 CSR 10-12.110	Conservation Commission		39 MoReg 851		
3 CSR 10-12.115	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-12.125	Conservation Commission		39 MoReg 852		
3 CSR 10-12.125	Conservation Commission		38 MoReg 1755	39 MoReg 257	
3 CSR 10-12.135	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.140	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.145	Conservation Commission		N.A.	39 MoReg 874	
3 CSR 10-12.145	Conservation Commission		39 MoReg 852		
3 CSR 10-12.145	Conservation Commission		N.A.	39 MoReg 874	
3 CSR 10-12.145	Conservation Commission		39 MoReg 852		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.020	Division of Business and Community Services	This Issue			
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.011	Division of Business and Community Services	39 MoReg 915	39 MoReg 591	This Issue	
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.021	Division of Business and Community Services	39 MoReg 924	39 MoReg 600	This Issue	
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.011	Division of Business and Community Services	39 MoReg 924	39 MoReg 600	This Issue	
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 85-9.021	Division of Business and Community Services	39 MoReg 926	39 MoReg 602	This Issue	
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.031	Division of Business and Community Services	39 MoReg 927	39 MoReg 603	This Issue	
4 CSR 85-9.035	Division of Business and Community Services	39 MoReg 938	39 MoReg 613	This Issue	
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.041	Division of Business and Community Services	39 MoReg 942	39 MoReg 617	This Issue	
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 85-9.051	Division of Business and Community Services	39 MoReg 946	39 MoReg 621	This Issue	
4 CSR 85-10.010	Division of Business and Community Services		39 MoReg 721		
4 CSR 85-10.020	Division of Business and Community Services		39 MoReg 723		
4 CSR 85-10.030	Division of Business and Community Services		39 MoReg 724		
4 CSR 85-10.040	Division of Business and Community Services		39 MoReg 725		
4 CSR 85-10.050	Division of Business and Community Services		39 MoReg 726		
4 CSR 85-10.060	Division of Business and Community Services		39 MoReg 728		
4 CSR 240-2.090	Public Service Commission		39 MoReg 630		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.170	Division of Learning Services		38 MoReg 1972R	39 MoReg 960R	
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-400.120	Division of Learning Services		39 MoReg 191R	39 MoReg 1084R	
5 CSR 20-400.130	Division of Learning Services		39 MoReg 191R	39 MoReg 1084R	
5 CSR 20-400.140	Division of Learning Services		39 MoReg 192R	39 MoReg 1085R	
5 CSR 20-400.450	Division of Learning Services		39 MoReg 1075		
5 CSR 20-500.130	Division of Learning Services		39 MoReg 630		
5 CSR 20-500.140	Division of Learning Services		39 MoReg 631		
5 CSR 20-500.150	Division of Learning Services		39 MoReg 632		
5 CSR 20-500.160	Division of Learning Services		39 MoReg 633		
5 CSR 20-500.170	Division of Learning Services		39 MoReg 633		
5 CSR 20-500.180	Division of Learning Services		39 MoReg 634		
5 CSR 20-500.190	Division of Learning Services		39 MoReg 634		
5 CSR 20-500.200	Division of Learning Services		39 MoReg 635		
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 636		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 636R		
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 637		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 639		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 639		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 640		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 642		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 642		
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 643R		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 643		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 645		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 648		
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 651		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.140	Commissioner of Higher Education		39 MoReg 1029		
6 CSR 10-12.010	Commissioner of Higher Education		This Issue		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		39 MoReg 729R 39 MoReg 729		
7 CSR 10-12.010	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.020	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.030	Missouri Highways and Transportation Commission		39 MoReg 494		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue This Issue
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.150	Division of Employment Security	38 MoReg 1515	38 MoReg 1532	39 MoReg 258	
8 CSR 10-4.020	Division of Employment Security		38 MoReg 1533	39 MoReg 258	
8 CSR 10-4.210	Division of Employment Security	38 MoReg 1516	38 MoReg 1533	39 MoReg 259	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-2.010	Certification Standards		39 MoReg 438	39 MoReg 1085	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R	38 MoReg 2045R	
10 CSR 10-5.220	Air Conservation Commission		39 MoReg 769		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 10-5.240	Air Conservation Commission		38 MoReg 1877R	39 MoReg 1085R	
10 CSR 10-6.010	Air Conservation Commission		38 MoReg 2089	39 MoReg 1085	
10 CSR 10-6.040	Air Conservation Commission		39 MoReg 853		
10 CSR 10-6.165	Air Conservation Commission		39 MoReg 732		
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 2008	39 MoReg 1087	
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913	39 MoReg 259	
10 CSR 20-7.031	Clean Water Commission		38 MoReg 939	39 MoReg 291	
10 CSR 25	Hazardous Waste Management Commission				39 MoReg 461RUC
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 1298	38 MoReg 2045	
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 1299	38 MoReg 2045	
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 1300	38 MoReg 2045	
10 CSR 40-8.030	Land Reclamation Commission		38 MoReg 1301	38 MoReg 2046	
10 CSR 40-8.040	Land Reclamation Commission		38 MoReg 1301	38 MoReg 2046	
10 CSR 140-2	Division of Energy				38 MoReg 432 38 MoReg 1431

DEPARTMENT OF PUBLIC SAFETY

11 CSR 45-1.090	Missouri Gaming Commission		39 MoReg 651		
11 CSR 45-4.010	Missouri Gaming Commission		39 MoReg 192		
11 CSR 45-4.020	Missouri Gaming Commission		39 MoReg 192		
11 CSR 45-4.030	Missouri Gaming Commission		39 MoReg 196		
11 CSR 45-4.055	Missouri Gaming Commission		39 MoReg 196		
11 CSR 45-4.190	Missouri Gaming Commission		39 MoReg 196		
11 CSR 45-4.200	Missouri Gaming Commission		39 MoReg 197		
11 CSR 45-4.205	Missouri Gaming Commission		39 MoReg 198R		
11 CSR 45-4.230	Missouri Gaming Commission		39 MoReg 652		
11 CSR 45-4.260	Missouri Gaming Commission		39 MoReg 198		
11 CSR 45-4.380	Missouri Gaming Commission		39 MoReg 201		
11 CSR 45-4.390	Missouri Gaming Commission		39 MoReg 201		
11 CSR 45-4.400	Missouri Gaming Commission		39 MoReg 203		
11 CSR 45-4.410	Missouri Gaming Commission		39 MoReg 203		
11 CSR 45-4.420	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-5.190	Missouri Gaming Commission		39 MoReg 657		
11 CSR 45-5.225	Missouri Gaming Commission		39 MoReg 658		
11 CSR 45-5.237	Missouri Gaming Commission		38 MoReg 2019	39 MoReg 960	
11 CSR 45-7.170	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-9.111	Missouri Gaming Commission		38 MoReg 2020	39 MoReg 960	
11 CSR 45-9.113	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-9.118	Missouri Gaming Commission		39 MoReg 205		
11 CSR 45-9.119	Missouri Gaming Commission		38 MoReg 2022	39 MoReg 961	
11 CSR 45-10.020	Missouri Gaming Commission		39 MoReg 205		
11 CSR 45-13.030	Missouri Gaming Commission		39 MoReg 205		

DEPARTMENT OF REVENUE

12 CSR 10-23.500	Director of Revenue	38 MoReg 1520	38 MoReg 1550	39 MoReg 164	
12 CSR 10-109.050	Director of Revenue		39 MoReg 495	39 MoReg 1087	
12 CSR 30-4.010	State Tax Commission		39 MoReg 438	39 MoReg 1031	

DEPARTMENT OF SOCIAL SERVICES

13 CSR 35-71.010	Children's Division		39 MoReg 206	39 MoReg 1031	
13 CSR 35-71.020	Children's Division		39 MoReg 207	39 MoReg 1031	
13 CSR 35-71.025	Children's Division		39 MoReg 209	39 MoReg 1032	
13 CSR 35-71.030	Children's Division		39 MoReg 210	39 MoReg 1032	
13 CSR 35-71.035	Children's Division		39 MoReg 213	39 MoReg 1032	
13 CSR 35-71.040	Children's Division		39 MoReg 213	39 MoReg 1032	
13 CSR 35-71.045	Children's Division		39 MoReg 214	39 MoReg 1033	
13 CSR 35-71.050	Children's Division		39 MoReg 216	39 MoReg 1033	
13 CSR 35-71.060	Children's Division		39 MoReg 218	39 MoReg 1033	
13 CSR 35-71.070	Children's Division		39 MoReg 220	39 MoReg 1033	
13 CSR 35-71.075	Children's Division		39 MoReg 225	39 MoReg 1033	
13 CSR 35-71.080	Children's Division		39 MoReg 226	39 MoReg 1033	
13 CSR 35-71.090	Children's Division		39 MoReg 228	39 MoReg 1034	
13 CSR 35-71.100	Children's Division		39 MoReg 228	39 MoReg 1034	
13 CSR 35-71.110	Children's Division		39 MoReg 230	39 MoReg 1034	
13 CSR 35-71.120	Children's Division		39 MoReg 231	39 MoReg 1034	
13 CSR 35-71.130	Children's Division		39 MoReg 231	39 MoReg 1034	
13 CSR 35-71.140	Children's Division		39 MoReg 233	39 MoReg 1035	
13 CSR 40-2.010	Family Support Division	39 MoReg 431	38 MoReg 1393	39 MoReg 164	
13 CSR 40-7.010	Family Support Division	39 MoReg 432	38 MoReg 1394	39 MoReg 164	
13 CSR 40-7.015	Family Support Division	39 MoReg 433	38 MoReg 1395	39 MoReg 164	
13 CSR 40-7.020	Family Support Division	39 MoReg 434	38 MoReg 1396	39 MoReg 165	
13 CSR 40-7.030	Family Support Division	39 MoReg 435	38 MoReg 1396	39 MoReg 165	
13 CSR 40-7.035	Family Support Division		39 MoReg 1029		
13 CSR 40-7.040	Family Support Division	39 MoReg 436	38 MoReg 1397	39 MoReg 165	
13 CSR 40-24.080	Family Support Division		38 MoReg 2026	39 MoReg 961	
13 CSR 40-24.090	Family Support Division		38 MoReg 2032	39 MoReg 962	
13 CSR 40-24.100	Family Support Division		38 MoReg 2035	39 MoReg 963	
13 CSR 40-100.040	Family Support Division	38 MoReg 1601	38 MoReg 1617	39 MoReg 398	
13 CSR 65-2.010	Missouri Medicaid Audit and Compliance		39 MoReg 235	This Issue	
13 CSR 65-2.020	Missouri Medicaid Audit and Compliance		39 MoReg 238	This Issue	
13 CSR 65-2.030	Missouri Medicaid Audit and Compliance		39 MoReg 245	This Issue	
13 CSR 70-1.020	MO HealthNet Division		39 MoReg 854		
13 CSR 70-2.200	MO HealthNet Division		39 MoReg 856		
13 CSR 70-3.250	MO HealthNet Division		39 MoReg 858		
13 CSR 70-10.015	MO HealthNet Division		38 MoReg 1218	38 MoReg 2046	
13 CSR 70-10.030	MO HealthNet Division		39 MoReg 245	39 MoReg 964	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 70-10.160	MO HealthNet Division	38 MoReg 1520	38 MoReg 1221	38 MoReg 2046	
13 CSR 70-15.010	MO HealthNet Division	38 MoReg 1215	38 MoReg 1222	38 MoReg 2046	
13 CSR 70-15.110	MO HealthNet Division	38 MoReg 1216	38 MoReg 1226	38 MoReg 2046	
13 CSR 70-15.160	MO HealthNet Division		38 MoReg 1232	38 MoReg 2047	
ELECTED OFFICIALS					
15 CSR 30-15.010	Secretary of State		38 MoReg 1553	39 MoReg 398	
15 CSR 30-15.020	Secretary of State		38 MoReg 1553	39 MoReg 398	
15 CSR 30-50.010	Secretary of State		38 MoReg 835		
			39 MoReg 249	This Issue	
15 CSR 30-50.040	Secretary of State		38 MoReg 835		
			39 MoReg 249	This Issue	
15 CSR 30-52.015	Secretary of State		38 MoReg 836		
			39 MoReg 250	This Issue	
15 CSR 30-52.030	Secretary of State		38 MoReg 836		
			39 MoReg 250	This Issue	
15 CSR 30-52.275	Secretary of State		38 MoReg 837		
			39 MoReg 251	This Issue	
15 CSR 30-54.010	Secretary of State		38 MoReg 837		
			39 MoReg 251	This Issue	
15 CSR 30-54.070	Secretary of State		38 MoReg 837		
			39 MoReg 251	This Issue	
15 CSR 30-54.150	Secretary of State		38 MoReg 838		
			39 MoReg 252	This Issue	
15 CSR 30-90.010	Secretary of State	38 MoReg 1522	38 MoReg 1554	39 MoReg 398	
15 CSR 30-90.090	Secretary of State	38 MoReg 1522	38 MoReg 1554	39 MoReg 398	
15 CSR 30-90.170	Secretary of State	38 MoReg 1523	38 MoReg 1555	39 MoReg 398	
RETIREMENT SYSTEMS					
16 CSR 10-1.040	The Public School Retirement System of Missouri		38 MoReg 1232	38 MoReg 2047	
16 CSR 10-3.010	The Public School Retirement System of Missouri		39 MoReg 497	39 MoReg 1087	
16 CSR 10-4.005	The Public School Retirement System of Missouri		38 MoReg 1234	38 MoReg 2047	
16 CSR 10-4.014	The Public School Retirement System of Missouri		39 MoReg 1078		
16 CSR 10-4.018	The Public School Retirement System of Missouri		39 MoReg 1079		
16 CSR 10-5.010	The Public School Retirement System of Missouri		38 MoReg 1235	38 MoReg 2047	
16 CSR 10-5.030	The Public School Retirement System of Missouri		39 MoReg 1079		
16 CSR 10-6.020	The Public School Retirement System of Missouri		39 MoReg 497	39 MoReg 1088	
16 CSR 10-6.045	The Public School Retirement System of Missouri		39 MoReg 1080		
16 CSR 10-6.055	The Public School Retirement System of Missouri		39 MoReg 1081		
16 CSR 10-6.060	The Public School Retirement System of Missouri		38 MoReg 1237	38 MoReg 2048	
16 CSR 10-6.090	The Public School Retirement System of Missouri		39 MoReg 1082		
16 CSR 20-2.060	Missouri Local Government Employees' Retirement System (LAGERS)	39 MoReg 436	39 MoReg 441	39 MoReg 1035	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-33.010	Office of the Director		39 MoReg 732R		
			39 MoReg 733		
19 CSR 25-30.031	State Public Health Laboratory	38 MoReg 1602	38 MoReg 1623	39 MoReg 399	
19 CSR 25-30.050	State Public Health Laboratory	38 MoReg 1604	38 MoReg 1625	39 MoReg 399	
19 CSR 25-30.051	State Public Health Laboratory		38 MoReg 1625	39 MoReg 399	
19 CSR 25-30.060	State Public Health Laboratory	38 MoReg 1604	38 MoReg 1626	39 MoReg 399	
19 CSR 30-20.070	Division of Regulation and Licensure		39 MoReg 441		
19 CSR 30-20.088	Division of Regulation and Licensure		39 MoReg 443		
19 CSR 30-20.090	Division of Regulation and Licensure		39 MoReg 443		
19 CSR 30-20.094	Division of Regulation and Licensure		39 MoReg 444		
19 CSR 30-20.096	Division of Regulation and Licensure		39 MoReg 446		
19 CSR 30-20.098	Division of Regulation and Licensure		38 MoReg 1166	38 MoReg 2093	
19 CSR 30-20.104	Division of Regulation and Licensure		39 MoReg 447		
19 CSR 30-20.108	Division of Regulation and Licensure		39 MoReg 448		
19 CSR 30-20.110	Division of Regulation and Licensure		38 MoReg 1167	38 MoReg 2093	
19 CSR 30-20.112	Division of Regulation and Licensure		38 MoReg 1168	38 MoReg 2093	
19 CSR 30-20.114	Division of Regulation and Licensure		38 MoReg 1168	38 MoReg 2094	
19 CSR 30-20.116	Division of Regulation and Licensure		39 MoReg 449		
19 CSR 30-20.118	Division of Regulation and Licensure		38 MoReg 1170	38 MoReg 2094	
19 CSR 30-20.122	Division of Regulation and Licensure		38 MoReg 1170R	38 MoReg 2094R	
19 CSR 30-20.124	Division of Regulation and Licensure		38 MoReg 1171	38 MoReg 2094	
19 CSR 30-20.125	Division of Regulation and Licensure		39 MoReg 450		
19 CSR 30-20.136	Division of Regulation and Licensure		39 MoReg 451		
19 CSR 30-20.138	Division of Regulation and Licensure		39 MoReg 452		
19 CSR 30-20.140	Division of Regulation and Licensure		39 MoReg 452		
19 CSR 30-20.142	Division of Regulation and Licensure		38 MoReg 1171	38 MoReg 2095	
19 CSR 30-22.020	Division of Regulation and Licensure		39 MoReg 453R		
19 CSR 30-22.030	Division of Regulation and Licensure		39 MoReg 453R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-24.040	Division of Regulation and Licensure		39 MoReg 454R		
19 CSR 60-50	Missouri Health Facilities Review Committee				39 MoReg 740 39 MoReg 1036
19 CSR 60-50.400	Missouri Health Facilities Review Committee		39 MoReg 861		
19 CSR 60-50.410	Missouri Health Facilities Review Committee		39 MoReg 863		
19 CSR 60-50.415	Missouri Health Facilities Review Committee		39 MoReg 863		
19 CSR 60-50.420	Missouri Health Facilities Review Committee		39 MoReg 866		
19 CSR 60-50.430	Missouri Health Facilities Review Committee		39 MoReg 866		
19 CSR 60-50.440	Missouri Health Facilities Review Committee		39 MoReg 867		
19 CSR 60-50.450	Missouri Health Facilities Review Committee		39 MoReg 868		
19 CSR 60-50.600	Missouri Health Facilities Review Committee		39 MoReg 868		
19 CSR 60-50.700	Missouri Health Facilities Review Committee		39 MoReg 868		
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Applied Behavior Analysis Maximum Benefit				38 MoReg 432 39 MoReg 692
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 167
20 CSR	Sovereign Immunity Limits				39 MoReg 167
20 CSR	State Legal Expense Fund Cap				39 MoReg 167
20 CSR 400-2.160	Life, Annuities and Health		38 MoReg 1555	39 MoReg 399	
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400	
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400	
20 CSR 2030-2.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400W	
20 CSR 2063-6.005	Behavior Analyst Advisory Board		38 MoReg 1631	39 MoReg 690	
20 CSR 2085-8.070	Board of Cosmetology and Barber Examiners		39 MoReg 68	39 MoReg 1088	
20 CSR 2085-12.010	Board of Cosmetology and Barber Examiners		38 MoReg 1637	39 MoReg 400	
20 CSR 2085-12.020	Board of Cosmetology and Barber Examiners		38 MoReg 1637	39 MoReg 401	
20 CSR 2085-13.070	Board of Cosmetology and Barber Examiners		38 MoReg 1638	39 MoReg 401	
20 CSR 2145-1.040	Missouri Board of Geologist Registration		38 MoReg 1114	38 MoReg 2048	
20 CSR 2145-2.020	Missouri Board of Geologist Registration		38 MoReg 1116	38 MoReg 2048	
20 CSR 2145-2.030	Missouri Board of Geologist Registration		38 MoReg 1116	38 MoReg 2048	
20 CSR 2145-2.065	Missouri Board of Geologist Registration		38 MoReg 1117	38 MoReg 2049	
20 CSR 2145-2.080	Missouri Board of Geologist Registration		38 MoReg 1120	38 MoReg 2049	
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1638	39 MoReg 401	
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1641	39 MoReg 401	
20 CSR 2200-1.010	State Board of Nursing		38 MoReg 1641	39 MoReg 401	
20 CSR 2200-4.020	State Board of Nursing		38 MoReg 1642	39 MoReg 402	
20 CSR 2200-4.030	State Board of Nursing		38 MoReg 1556	39 MoReg 402	
20 CSR 2205-3.030	Missouri Board of Occupational Therapy		39 MoReg 454	39 MoReg 1035	
20 CSR 2220-2.950	State Board of Pharmacy		38 MoReg 1237	38 MoReg 2049	
20 CSR 2231-2.010	Division of Professional Registration		39 MoReg 498	39 MoReg 1088	
20 CSR 2232-1.040	Missouri State Committee of Interpreters		38 MoReg 1409	38 MoReg 2095	
20 CSR 2232-2.010	Missouri State Committee of Interpreters		38 MoReg 1412	38 MoReg 2096	
20 CSR 2232-2.020	Missouri State Committee of Interpreters		38 MoReg 1416	38 MoReg 2096	
20 CSR 2232-2.030	Missouri State Committee of Interpreters		38 MoReg 1420	38 MoReg 2096	
20 CSR 2235-1.020	State Committee of Psychologists		38 MoReg 1175	38 MoReg 2050	
20 CSR 2235-1.025	State Committee of Psychologists		38 MoReg 1179	38 MoReg 2050	
20 CSR 2235-1.026	State Committee of Psychologists		38 MoReg 1179	38 MoReg 2050	
20 CSR 2235-1.030	State Committee of Psychologists		38 MoReg 1179R	38 MoReg 2051R	
			38 MoReg 1180	38 MoReg 2051	
20 CSR 2235-2.060	State Committee of Psychologists		38 MoReg 1182	38 MoReg 2051	
20 CSR 2235-2.065	State Committee of Psychologists		38 MoReg 1182	38 MoReg 2051	
20 CSR 2245-1.010	Real Estate Appraisers		38 MoReg 1303	38 MoReg 2052	
20 CSR 2245-3.005	Real Estate Appraisers		38 MoReg 1304	38 MoReg 2052	
20 CSR 2245-3.010	Real Estate Appraisers		38 MoReg 1304	38 MoReg 2052	
20 CSR 2245-6.040	Real Estate Appraisers		38 MoReg 1305	38 MoReg 2052	
20 CSR 2245-8.010	Real Estate Appraisers		38 MoReg 1305	38 MoReg 2052	
20 CSR 2245-8.030	Real Estate Appraisers		38 MoReg 1306	38 MoReg 2052	
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-1.010	Health Care Plan		39 MoReg 73	39 MoReg 964	
22 CSR 10-1.020	Health Care Plan		39 MoReg 73	39 MoReg 964	
22 CSR 10-2.010	Health Care Plan	39 MoReg 5	39 MoReg 74	39 MoReg 964	
22 CSR 10-2.020	Health Care Plan	39 MoReg 7	39 MoReg 75	39 MoReg 964	
22 CSR 10-2.030	Health Care Plan	39 MoReg 13	39 MoReg 81	39 MoReg 968	
22 CSR 10-2.045	Health Care Plan	39 MoReg 15	39 MoReg 83	39 MoReg 969	
22 CSR 10-2.051	Health Care Plan	39 MoReg 16	39 MoReg 84	39 MoReg 969	
22 CSR 10-2.052	Health Care Plan	39 MoReg 17	39 MoReg 87	39 MoReg 970	
22 CSR 10-2.053	Health Care Plan	39 MoReg 18	39 MoReg 89	39 MoReg 970	
22 CSR 10-2.054	Health Care Plan	39 MoReg 20R	39 MoReg 92R	39 MoReg 971R	
22 CSR 10-2.055	Health Care Plan	39 MoReg 20R	39 MoReg 92R	39 MoReg 972R	
		39 MoReg 21	39 MoReg 92	39 MoReg 972	
22 CSR 10-2.060	Health Care Plan	39 MoReg 31	39 MoReg 105	39 MoReg 982	
22 CSR 10-2.070	Health Care Plan	39 MoReg 33	39 MoReg 106	39 MoReg 982	
22 CSR 10-2.075	Health Care Plan	39 MoReg 34	39 MoReg 107	39 MoReg 982	
22 CSR 10-2.089	Health Care Plan	39 MoReg 36	39 MoReg 109	39 MoReg 984	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
22 CSR 10-2.090	Health Care Plan	39 MoReg 38	39 MoReg 113	39 MoReg 984	
22 CSR 10-2.094	Health Care Plan	39 MoReg 767	39 MoReg 783		
22 CSR 10-2.110	Health Care Plan		39 MoReg 115	39 MoReg 986	
22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R	38 MoReg 2096R	
22 CSR 10-2.140	Health Care Plan	39 MoReg 41	39 MoReg 116	39 MoReg 986	
22 CSR 10-3.010	Health Care Plan	39 MoReg 42	39 MoReg 119	39 MoReg 987	
22 CSR 10-3.020	Health Care Plan	39 MoReg 42	39 MoReg 119	39 MoReg 987	
22 CSR 10-3.045	Health Care Plan	39 MoReg 44	39 MoReg 120	39 MoReg 988	
22 CSR 10-3.053	Health Care Plan	39 MoReg 45	39 MoReg 121	39 MoReg 988	
22 CSR 10-3.054	Health Care Plan	39 MoReg 46R	39 MoReg 125R	39 MoReg 988R	
22 CSR 10-3.055	Health Care Plan	39 MoReg 46	39 MoReg 125	39 MoReg 989	
22 CSR 10-3.056	Health Care Plan	39 MoReg 48	39 MoReg 126	39 MoReg 989	
22 CSR 10-3.057	Health Care Plan	39 MoReg 48R	39 MoReg 128R	39 MoReg 989R	
		39 MoReg 49	39 MoReg 128	39 MoReg 990	
22 CSR 10-3.060	Health Care Plan	39 MoReg 59	39 MoReg 141	39 MoReg 1000	
22 CSR 10-3.075	Health Care Plan	39 MoReg 61	39 MoReg 142	39 MoReg 1000	
22 CSR 10-3.090	Health Care Plan	39 MoReg 64	39 MoReg 145	39 MoReg 1002	
22 CSR 10-3.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1423R	38 MoReg 2096R	

Emergency Rule Table

Agency	Publication	Effective	Expiration
Department of Economic Development			
Division of Business and Community Services			
4 CSR 85-5.020	Preliminary Application	This Issue	May 15, 2014 Feb. 24, 2015
4 CSR 85-8.011	Definitions	39 MoReg 915	April 11, 2014 July 30, 2014
4 CSR 85-8.021	Program Administration	39 MoReg 924	April 11, 2014 July 30, 2014
4 CSR 85-9.011	Definitions	39 MoReg 924	April 11, 2014 July 30, 2014
4 CSR 85-9.021	Application Process	39 MoReg 926	April 11, 2014 July 30, 2014
4 CSR 85-9.031	Project Proposal	39 MoReg 927	April 11, 2014 July 30, 2014
4 CSR 85-9.035	Support Contract	39 MoReg 938	April 11, 2014 July 30, 2014
4 CSR 85-9.041	Event Notification	39 MoReg 942	April 11, 2014 July 30, 2014
4 CSR 85-9.051	Cost Certification	39 MoReg 946	April 11, 2014 July 30, 2014
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010	Annual Adjusted Rate of Interest	38 MoReg 1965	Jan. 1, 2014 June 29, 2014
Retirement Systems			
Missouri Local Government Employees' Retirement System (LAGERS)			
16 CSR 20-2.060	Correction of Errors	39 MoReg 436	Jan. 2, 2014 June 30, 2014
Department of Insurance, Financial Institutions and Professional Registration			
Financial Examination			
20 CSR 200-2.100	Credit for Reinsurance	38 MoReg 1695	Jan. 1, 2014 June 29, 2014
Missouri Consolidated Health Care Plan			
Health Care Plan			
22 CSR 10-2.010	Definitions	39 MoReg 5	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.020	General Membership Provisions	39 MoReg 6	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.030	Contributions	39 MoReg 13	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.045	Plan Utilization Review Policy	39 MoReg 15	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges	39 MoReg 16	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges	39 MoReg 17	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges	39 MoReg 18	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.054	Medicare Supplement Plan Benefit Provisions and Covered Charges	39 MoReg 20	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges	39 MoReg 20	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges	39 MoReg 21	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and HDHP Limitations	39 MoReg 31	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.070	Coordination of Benefits	39 MoReg 33	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.075	Review and Appeals Procedure	39 MoReg 34	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members	39 MoReg 36	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.090	Pharmacy Benefit Summary	39 MoReg 38	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations	39 MoReg 767	May 1, 2014 Oct. 27, 2014
22 CSR 10-2.140	Wellness Center Provisions, Charges, and Services	39 MoReg 41	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.010	Definitions	39 MoReg 42	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.020	General Membership Provisions	39 MoReg 42	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.045	Plan Utilization Review Policy	39 MoReg 44	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges	39 MoReg 45	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges	39 MoReg 46	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.055	High Deductible Health Plan Provisions and Covered Charges	39 MoReg 46	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges	39 MoReg 48	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges	39 MoReg 48	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges	39 MoReg 49	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.060	PPO 600, PPO 1000 Plan, and HDHP Limitations	39 MoReg 59	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.075	Review and Appeals Procedure	39 MoReg 61	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.090	Pharmacy Benefit Summary	39 MoReg 64	Jan. 1, 2014 June 29, 2014

**Executive
Orders****Subject Matter****Filed Date****Publication****2014**

14-05	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 11, 2014	This Issue
14-04	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	April 3, 2014	39 MoReg 1027
14-03	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	39 MoReg 958
14-02	Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	39 MoReg 956
14-01	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491

2013

13-14	Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
13-13	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

The rule number and the MoReg publication date follow each entry to this index.

ADMINISTRATION, OFFICE OF

state official's salary compensation schedule; 1 CSR 10; 12/2/13

AGRICULTURE

animal health

inspection of meat and poultry; 2 CSR 30-10.010; 1/2/14, 4/15/14

weights and measures

quality standards for motor fuels; 2 CSR 90-30.040; 7/1/13, 4/15/14

AIR QUALITY, AIR POLLUTION CONTROL

additional air quality control measures may be required when sources are clustered in a small land area; 10 CSR 10-5.240; 11/15/13, 6/2/14

ambient air quality standards; 10 CSR 10-6.010; 12/16/13, 6/2/14
control of petroleum liquid storage, loading, and transfer; 10 CSR 10-5.220; 4/1/14

hospital, medical, infection waste incinerators; 10 CSR 10-6.200; 9/3/13, 12/2/13, 6/2/14

reference methods; 10 CSR 10-6.040; 4/15/14

restriction of emission of odors; 10 CSR 10-6.165; 3/17/14

BREATH ALCOHOL IGNITION INTERLOCK DEVICE CERTIFICATION AND OPERATIONAL REQUIREMENTS

approval procedure; 7 CSR 60-2.020; 4/15/13

breath alcohol ignition interlock device security; 7 CSR 60-2.050; 4/15/13

definitions; 7 CSR 60-2.010; 4/15/13

responsibilities of authorized service providers; 7 CSR 60-2.040; 4/15/13

standards and specifications; 7 CSR 60-2.030; 4/15/13

suspension or revocation of approval of a device; 7 CSR 60-2.060; 4/15/13

BUSINESS AND COMMUNITY SERVICES, DIVISION OF

application process

4 CSR 85-9.021; 3/3/14, 5/1/14, 6/16/14

4 CSR 85-10.030; 3/17/14

completion and closing; 4 CSR 85-10.040; 3/17/14

cost certification; 4 CSR 85-9.051; 3/3/14, 5/1/14, 6/16/14

definitions

4 CSR 85-8.011; 3/3/14, 5/1/14, 6/16/14

4 CSR 85-9.011; 3/3/14, 5/1/14, 6/16/14

event notification

4 CSR 85-9.041; 3/3/14, 5/1/14, 6/16/14

general organization; 4 CSR 85-10.010; 3/17/14

miscellaneous; 4 CSR 85-10.060; 3/17/14

model procurement standards; 4 CSR 85-10.050; 3/17/14

preliminary application; 4 CSR 85-5.020; 6/16/14

project proposal

4 CSR 85-9.031; 3/3/14, 5/1/14, 6/16/14

program administration

4 CSR 85-8.021; 3/3/14, 5/1/14, 6/16/14

remediation tax credits; 4 CSR 85-10.020; 3/17/14

support contract; 4 CSR 85-9.035; 3/3/14, 5/1/14, 6/16/14

CERTIFICATE OF NEED PROGRAM

application package; 19 CSR 60-50.430; 4/15/14

application review schedule; 19 CSR 60-50; 5/15/14

certificate of need decisions; 19 CSR 60-50.600; 4/15/14

criteria and standards for equipment and new hospitals; 19 CSR 60-50.440; 4/15/14

criteria and standards for long-term care; 19 CSR 60-50.450; 4/15/14

letter of intent package; 19 CSR 60-50.410; 4/15/14

letter of intent process; 19 CSR 60-50.400; 4/15/14

post-decision activity; 19 CSR 60-50.700; 4/15/14

review process; 19 CSR 60-50.420; 4/15/14

special exemption subcommittee; 19 CSR 60-50.415; 4/15/14

CHILDREN'S DIVISION

basic residential treatment for children and youth core requirements (applicable to all agencies)—basis for licensure and licensing procedures; 13 CSR 35-71.020; 1/15/14, 5/15/14

buildings, grounds, and equipment; 13 CSR 35-71.080; 1/15/14, 5/15/14

child care program; 13 CSR 35-71.110; 1/15/14, 5/15/14

court review and dispositional hearing; 13 CSR 35-71.030; 1/15/14, 5/15/14

definitions; 13 CSR 35-71.010; 1/15/14, 5/15/14

exemptions of religious residential treatment for children and youth operating sites; 13 CSR 35-71.025; 1/15/14, 5/15/14

hand-up pilot program; 13 CSR 35-32.040; 6/3/13, 10/1/13

health care; 13 CSR 35-71.075; 1/15/14, 5/15/14

hearings and judicial review; 13 CSR 35-71.035; 1/15/14, 5/15/14

organization and administration; 13 CSR 35-71.040; 1/15/14, 5/15/14

personnel; 13 CSR 35-71.045; 1/15/14, 5/15/14

protection and care of the child; 13 CSR 35-71.070; 1/15/14, 5/15/14

record keeping; 13 CSR 35-71.090; 1/15/14, 5/15/14

social services program; 13 CSR 35-71.060; 1/15/14, 5/15/14

specialized standards for intensive residential treatment for children and youth; 13 CSR 35-71.140; 1/15/14, 5/15/14

specialized standards—residential treatment for children and youth; 13 CSR 35-71.130; 1/15/14, 5/15/14

specific rules for basic care agencies providing care for infant, toddler, or preschool age children (birth through age six); 13 CSR 35-71.100; 1/15/14, 5/15/14

specific rules for residential treatment agencies for children and youth providing maternity care; 13 CSR 35-71.120; 1/15/14, 5/15/14

staff qualifications and requirements; 13 CSR 35-71.050; 1/15/14, 5/15/14

CLEAN WATER COMMISSION

fees; 10 CSR 20-6.011; 10/1/13, 4/15/14

CONSERVATION, DEPARTMENT OF

closing; 3 CSR 10-11.115; 4/15/14

deer

antlerless deer hunting permit availability; 3 CSR 10-7.437; 6/2/14

firearms hunting season; 3 CSR 10-7.433; 6/2/14

landowner privileges; 3 CSR 10-7.434; 6/2/14

endangered species; 3 CSR 10-4.111; 4/15/14

fishing

daily and possession limits

3 CSR 10-11.210; 4/15/14

3 CSR 10-12.140; 4/15/14, 4/15/14

length limits

3 CSR 10-11.215; 4/15/14

3 CSR 10-12.145; 4/15/14, 4/15/14

methods and limits; 3 CSR 10-11.205; 4/15/14

other fish; 3 CSR 10-6.550; 4/15/14

sale of live bait; 3 CSR 10-10.735; 4/15/14

use of boats and motors; 3 CSR 10-12.110; 4/15/14

COSMETOLOGY AND BARBER EXAMINERS, BOARD OF

instructor renewal and inactive license requirements; 20 CSR 2085-8.070; 1/2/14, 6/2/14

DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR THE

application for interpreter in Missouri; 5 CSR 100-200.050; 3/3/14
 certification maintenance; 5 CSR 100-200.130; 3/3/14
 fees; 5 CSR 100-200.150; 3/3/14
 general organization; 5 CSR 100-200.010; 3/3/14
 Missouri interpreters certification system
 5 CSR 100-200.030; 3/3/14
 5 CSR 100-200.035; 3/3/14
 performance test and evaluation; 5 CSR 100-200.070; 3/3/14
 provisional certification in education; 5 CSR 100-200.045; 3/3/14
 reinstatement; 5 CSR 100-200.210; 3/3/14
 restricted certification in education; 5 CSR 100-200.040; 3/3/14
 skill level standards; 5 CSR 100-200.170; 3/3/14
 voluntary recertification; 5 CSR 100-200.075; 3/3/14
 written test; 5 CSR 100-200.060; 3/3/14

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

administrative appeal procedure for applicants denied certification;
 5 CSR 20-400.120; 1/15/14, 6/2/14
 administrative procedures for recertifying teachers whose certificates have been revoked by a certifying authority other than the state board of education; 5 CSR 20-400.140; 1/15/14, 6/2/14
 administrative procedures for recertifying teachers whose certificates have been revoked by the state board of education;
 5 CSR 20-400.130; 1/15/14, 6/2/14
 appeals; 5 CSR 20-500.170; 3/3/14
 application for certificate of license to teach; 5 CSR 20-400.500; 12/2/13, 4/1/14
 certification requirements for teacher of
 adult education and literacy; 5 CSR 20-400.700; 12/2/13, 4/1/14
 career continuous administrator certificate; 5 CSR 20-400.630; 12/2/13, 4/1/14
 career continuous career education certificate; 5 CSR 20-400.690; 12/2/13, 4/1/14
 career continuous student services certificate; 5 CSR 20-400.650; 12/2/13, 4/1/14
 career education (postsecondary) certificates; 5 CSR 20-400.670; 12/2/13, 4/1/14
 career education (secondary) certificates; 5 CSR 20-400.660; 12/2/13, 4/1/14
 career education (secondary/postsecondary) certificates; 5 CSR 20-400.680; 12/2/13, 4/1/14
 early childhood education (birth-pre-kindergarten); 5 CSR 20-400.510; 12/2/13, 4/1/14
 elementary education (grades K-6); 5 CSR 20-400.520; 12/2/13, 4/1/14
 English for speakers of other languages (grades K-12); 5 CSR 20-400.570; 12/2/13, 4/1/14
 gifted education (grades K-12); 5 CSR 20-400.580; 12/2/13, 4/1/14
 initial administrator certificate; 5 CSR 20-400.610; 12/2/13, 4/1/14
 initial student services certificate; 5 CSR 20-400.640; 12/2/13, 4/1/14
 K-12 education; 5 CSR 20-400.550; 12/2/13, 4/1/14
 mathematics specialists (grades 1-6); 5 CSR 20-400.590; 12/2/13, 4/1/14
 middle school education (grades 5-9); 5 CSR 20-400.530; 12/2/13, 4/1/14
 secondary education (grades 9-12); 5 CSR 20-400.540; 12/2/13, 4/1/14
 special education; 5 CSR 20-400.560; 12/2/13, 4/1/14
 special reading (grades K-12); 5 CSR 20-400.600; 12/2/13, 4/1/14

transition administrator certificate; 5 CSR 20-400.620; 12/2/13, 4/1/14
 charter school closure; 5 CSR 20-100.265; 11/1/13, 4/1/14
 confidentiality and release of information; 5 CSR 20-500.130; 3/3/14
 definitions; 5 CSR 20-500.120; 11/1/13, 4/1/14
 due process hearing; 5 CSR 20-500.190; 3/3/14
 eligibility; 5 CSR 20-500.150; 3/3/14
 eligibility for scholarships; 5 CSR 10-2.030; 12/2/13, 4/1/14
 informal review; 5 CSR 20-500.180; 3/3/14
 mediation; 5 CSR 20-500.200; 3/3/14
 minimum standards; 5 CSR 20-500.140; 3/3/14
 Missouri advisory board for educator preparation (MABEP); 5 CSR 20-400.450; 6/2/14
 Missouri school improvement program; 5 CSR 20-100.170; 12/2/13, 5/1/14
 order of selection for services; 5 CSR 20-500.160; 3/3/14
 physical fitness challenge/assessment "Cade's Law"; 5 CSR 20-200.290; 11/1/13, 4/1/14
 scholarship granting organizations; 5 CSR 10-2.010; 12/2/13, 4/1/14
 scholarships; 5 CSR 10-2.020; 12/2/13, 4/1/14
 training of school employees in the care needed for students with diabetes; 5 CSR 20-200.300; 11/1/13, 4/1/14

ENERGY, DIVISION OF

definitions and general provisions; 10 CSR 140-5.010; 7/1/13, 10/15/13

EXECUTIVE ORDERS

declares a state of emergency exists in the state of Missouri and directs the Missouri State Emergency Operations Plan be activated; 14-04; 5/15/14
 declares a state of emergency exists in the state of Missouri and directs the Missouri State Emergency Operations Plan be activated; 14-05; 6/16/14
 designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies; 14-03; 5/1/14
 orders the honor and remember flag be flown at the state capitol each armed forces day, held on the third Saturday of each May; 14-02; 5/1/14

FAMILY SUPPORT DIVISION

community programs
 formula for the distribution of community service block grant funds to community action agencies; 13 CSR 40-24.080; 12/2/13, 5/1/14
 supplemental funding formula for community action agencies to administer the CSBG program; 13 CSR 40-24.090; 12/2/13, 5/1/14
 use of community service block grant discretionary funds; 13 CSR 40-24.100; 12/2/13, 5/1/14
 participation verification; 13 CSR 40-7.035; 5/15/14

GAMING COMMISSION, MISSOURI

access to areas of class B licensee facilities; 11 CSR 45-7.170; 1/15/14
 affiliate supplier's license; 11 CSR 45-4.205; 1/15/14
 application for class A or class B license; 11 CSR 45-4.030; 1/15/14
 application period and fees for a class A and class B license; 11 CSR 45-4.055 1/15/14
 definitions; 11 CSR 45-1.090; 3/3/14
 identification badge requirements; 11 CSR 45-4.410; 1/15/14
 licensee performance of duties; 11 CSR 45-4.400; 1/15/14
 licensee's and applicant's duty to disclose changes in information; 11 CSR 45-10.020; 1/15/14
 license renewal and continuing suitability requirement; 11 CSR 45-4.190; 1/15/14

licenses, restrictions on licenses, licensing authority for the executive director, and other definitions; 11 CSR 45-4.020; 1/15/14

minimum internal control standards (MICS)

- chapter K; 11 CSR 45-9.111; 12/2/13, 5/1/14
- chapter M; 11 CSR 45-9.113; 1/15/14
- chapter R; 11 CSR 45-9.118; 1/15/14
- chapter S; 11 CSR 45-9.119; 12/2/13, 5/1/14

minimum standards for electronic gaming devices; 11 CSR 45-5.190; 3/3/14

occupational and key person/key business entity license application and annual fees; 11 CSR 45-4.380; 1/15/14

occupational license; 11 CSR 45-4.420; 1/15/14

occupational license renewal; 11 CSR 45-4.390; 1/15/14

occupational licenses for class A, class B, and suppliers; 11 CSR 45-4.260; 1/15/14

requests for gaming devices and associated equipment approval; 11 CSR 45-5.225; 3/3/14

requests for hearings; 11 CSR 45-13.030; 1/15/14

types of licenses; 11 CSR 45-4.010; 1/15/14

shipping of electronic gaming devices, gaming equipment, or supplies; 11 CSR 45-5.237; 12/2/13, 5/1/14

supplier's license; 11 CSR 45-4.200; 1/15/14

supplier's license criteria; 11 CSR 45-4.230; 3/3/14

HEALTH AND SENIOR SERVICES

director, office of the

- reporting patient abstract data by hospitals and ambulatory surgical centers; 19 CSR 10-33.010; 3/17/14

regulation and licensure

- administrative standards for rehabilitation hospitals; 19 CSR 30-22.020; 2/3/14
- central services; 19 CSR 30-20.088; 2/3/14
- fire safety, general safety, and operating features; 19 CSR 30-20.108; 2/3/14
- food and nutrition services; 19 CSR 30-20.090; 2/3/14
- infection prevention and control; 19 CSR 30-20.116; 2/3/14
- medical records; 19 CSR 30-20.094; 2/3/14
- nursing services; 19 CSR 30-20.096; 2/3/14
- registration as a hospital infectious waste generator; 19 CSR 30-20.070; 2/3/14
- respiratory care services; 19 CSR 30-20.136; 2/3/14
- social services; 19 CSR 30-20.104; 2/3/14
- specialized inpatient care services; 19 CSR 30-20.138; 2/3/14
- standards for registration as a hospital infectious waste generator
- 19 CSR 30-22.030; 2/3/14
- 19 CSR 30-24.040; 2/3/14
- surgical services; 19 CSR 30-20.140; 2/3/14
- unlicensed assistive personnel training program; 19 CSR 30-20.125; 2/3/14

HIGHER EDUCATION, DEPARTMENT OF

educational credit for military training or service; 6 CSR 10-12.010; 6/16/14

institutional eligibility for student participation; 6 CSR 10-2.140; 5/15/14

HIGHWAYS AND TRANSPORTATION COMMISSION, MISSOURI

organization; general provisions

- description, organization, and information; 7 CSR 10-1.010; 3/17/14

outdoor advertising

- administrative review of notices to remove outdoor advertising and to terminate nonconforming signs; 7 CSR 10-6.090; 11/15/13, 4/15/14
- cutting and trimming of vegetation on right-of-way; 7 CSR 10-6.085; 11/15/13, 4/15/14
- definitions; 7 CSR 10-6.015; 11/15/13, 4/15/14
- directional and other official signs; 7 CSR 10-6.020; 11/15/13, 4/15/14

nonconforming signs; 7 CSR 10-6.060; 11/15/13, 4/15/14

on-premises signs; 7 CSR 10-6.030; 11/15/13, 4/15/14

outdoor advertising

- beyond six hundred sixty feet of the right-of-way; 7 CSR 10-6.050; 11/15/13, 4/15/14
- in zoned and unzoned commercial and industrial areas; 7 CSR 10-6.040; 11/15/13, 4/15/14

permits for outdoor advertising; 7 CSR 10-6.070; 11/15/13, 4/15/14

public information; 7 CSR 10-6.010; 11/15/13, 4/15/14

removal of outdoor advertising without compensation; 7 CSR 10-6.080; 11/15/13, 4/15/14

scenic byways

- application procedures; 7 CSR 10-12.020; 2/18/14
- nomination review process; 7 CSR 10-12.030; 2/18/14
- scenic byways; 7 CSR 10-12.010; 2/18/14

skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 6/16/14

INSURANCE

applied behavior analysis maximum benefit; 20 CSR; 3/3/14

construction claims binding arbitration cap; 20 CSR; 1/2/14

sovereign immunity limits; 20 CSR; 1/2/14

state legal expense fund; 20 CSR; 1/2/14

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

employment security

- appeals to an appeals tribunal; 8 CSR 10-5.010; 7/1/13, 10/15/13

workers' compensation

- resolution of medical fee disputes; 8 CSR 50-2.030; 12/16/13, 4/15/14

MEDICAID AUDIT AND COMPLIANCE, MISSOURI

definitions; 13 CSR 65-2.010; 1/15/14, 6/16/14

denial or limitations of applying provider; 13 CSR 65-2.030; 1/15/14, 6/16/14

provider enrollment and application; 13 CSR 65-2.020; 1/15/14, 6/16/14

MENTAL HEALTH, DEPARTMENT OF

designation of programs to receive county community mental health funds; 9 CSR 30-2.010; 2/3/14, 6/2/14

MISSOURI CONSOLIDATED HEALTH CARE PLAN

contributions; 22 CSR 10-2.030; 1/2/14, 5/1/14

coordination of benefits; 22 CSR 10-2.070; 1/2/14, 5/1/14

definitions

- 22 CSR 10-2.010; 1/2/14, 5/1/14
- 22 CSR 10-3.010; 1/2/14, 5/1/14

general foster parent membership provisions; 22 CSR 10-2.110; 1/2/14, 5/1/14

general membership provisions

- 22 CSR 10-2.020; 1/2/14, 5/1/14
- 22 CSR 10-3.020; 1/2/14, 5/1/14

general organization; 22 CSR 10-1.010; 1/2/14, 5/1/14

limitations

- PPO 300 plan, PPO 600 plan, and HDHP; 22 CSR 10-2.060; 1/2/14, 5/1/14
- PPO 600 Plan, PPO 1000 Plan, and HDHP; 22 CSR 10-3.060; 1/2/14, 5/1/14

pharmacy benefit summary

- 22 CSR 10-2.090; 1/2/14, 5/1/14
- 22 CSR 10-3.090; 1/2/14, 5/1/14

pharmacy employer group waiver plan for medicare primary members; 22 CSR 10-2.089; 1/2/14, 5/1/14

plan benefit provisions and covered charges
 high deductible health plan
 22 CSR 10-2.053; 1/2/14, 5/1/14
 22 CSR 10-3.055; 1/2/14, 5/1/14
 medicare supplement; 22 CSR 10-2.054; 1/2/14, 5/1/14
 medical
 22 CSR 10-2.055; 1/2/14, 5/1/14
 22 CSR 10-3.057; 1/2/14, 5/1/14
 PPO 300; 22 CSR 10-2.051; 1/2/14, 5/1/14
 PPO 600
 22 CSR 10-2.052; 1/2/14, 5/1/14
 22 CSR 10-3.056; 1/2/14, 5/1/14
 PPO 1000; 22 CSR 10-3.053; 1/2/14, 5/1/14
 PPO 2000; 22 CSR 10-3.054; 1/2/14, 5/1/14
plan utilization review policy
 22 CSR 10-2.045; 1/2/14, 5/1/14
 22 CSR 10-3.045; 1/2/14, 5/1/14
public records; 22 CSR 10-1.020; 1/2/14, 5/1/14
review and appeals procedure
 22 CSR 10-2.075; 1/2/14, 5/1/14
 22 CSR 10-3.075; 1/2/14, 5/1/14
tobacco-free incentive provisions and limitations; 22 CSR 10-2.094;
 4/1/14
wellness center provisions, charges, and services; 22 CSR 10-
 2.140; 1/2/14, 5/1/14

MO HEALTHNET

global per diem adjustments to nursing facility and HIV nursing
 facility reimbursement rates; 13 CSR 70-10.016; 12/2/13,
 4/1/14, 4/1/14
MO HealthNet program benefits from human organ and bone mar-
 row/stem cell transplants and related medical services; 13
 CSR 70-2.200; 4/15/14
payment policy for early elective delivery; 13 CSR 70-3.250;
 4/15/14
prospective reimbursement plan for nonstate-operated facilities for
 ICF/MR services; 13 CSR 70-10.030; 1/15/14, 5/1/14
standards for privacy of individually identifiable health information;
 13 CSR 70-1.020; 4/15/14

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

application for limited permit; 20 CSR 2205-3.030; 2/3/14,
 5/15/14

OPTOMETRY, STATE BOARD OF

license renewal; 20 CSR 2210-2.030; 1/2/14, 4/15/14

PROFESSIONAL REGISTRATION, DIVISION OF

designation of license renewal dates and related renewal informa-
 tion; 20 CSR 2231-2.010; 2/18/14, 6/2/14

PUBLIC SERVICE COMMISSION

discovery and prehearings; 4 CSR 240-2.090; 3/3/14

RETIREMENT SYSTEMS

Missouri local government employees' retirement system
 (LAGERS)
correction of errors; 16 CSR 20-2.060; 2/3/14, 5/15/14
public school retirement system of Missouri, the
 beneficiary
 16 CSR 10-5.030; 6/2/14
 16 CSR 10-6.090; 6/2/14
 payment for reinstatement and credit purchases; 16 CSR 10-
 6.045; 6/2/14
 payment of funds to the retirement system; 16 CSR 10-3.010;
 2/18/14, 6/2/14

reinstatement and credit purchases; 16 CSR 10-4.014; 6/2/14
source of funds; 16 CSR 10-6.020; 2/18/14, 6/2/14
uniformed services employment and reemployment rights act;
 16 CSR 10-4.018; 6/2/14
 16 CSR 10-6.055; 6/2/14

SECURITIES

application for registration; 15 CSR 30-52.015; 1/15/14, 6/16/14
definitions; 15 CSR 30-50.010; 1/15/14, 6/16/14
forms; 15 CSR 30-50.040; 1/15/14, 6/16/14
general; 15 CSR 30-54.010; 1/15/14, 6/16/14
NASAA statement of policy; 15 CSR 30-52.030; 1/15/14, 6/16/14
not-for-profit securities; 15 CSR 30-54.070; 1/15/14, 6/16/14
small company offering registration (formerly Missouri issuer reg-
 istration); 15 CSR 30-52.275; 1/15/14, 6/16/14
suggested form of investment letter; 15 CSR 30-54.150; 1/15/14,
 6/16/14

TAX

taxation of software; 12 CSR 10-109.050; 2/18/14, 6/2/14

TAX COMMISSION, STATE

agricultural land productive values; 12 CSR 30-4.010; 2/3/14,
 5/15/14

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